

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JULIE HUNT,

§

Plaintiff,

§

v.

CIVIL ACTION H-13-480

CHRISTUS HEALTH,

§

Defendant.

ORDER

Pending before the court is a motion for partial summary judgment filed by defendant Christus Health. Dkt. 18. Plaintiff Julie Hunt did not respond to the motion. After considering the motion, relevant documents in the record, and applicable law, the court is of the opinion that Christus Health's motion (Dkt. 18) should be GRANTED.

I. BACKGROUND AND ANALYSIS

This is an employment case in which Hunt alleges that Christus Health unlawfully discriminated against her because of her race, color, age, gender, or disability, in violation of the Texas Labor Code, Title VII, the ADEA, and the ADA, and that Christus Health allegedly interfered with Hunt's opportunity to participate in an employee benefits plan offered by Christus Health, in violation of the Employee Retirement Security Act ("ERISA"). Dkt. 11. Hunt alleges that she was hired by Christus Health in June 2006 to handle inbound calls from insurance policyholders about their accounts, balances, and other pertinent information. *Id.* Hunt worked in this position for about 18 months, and then applied to be a patient account specialist. *Id.* After taking an insurance test and being interviewed, Hunt was hired in the new position. *Id.* Hunt worked for Christus Health for four more years, allegedly receiving only positive performance reviews. *Id.* In or around June 2011,

Hunt's supervisor was replaced. Hunt had received positive evaluations from her previous supervisor, but soon after the new one took over, she asserted that Hunt was insubordinate and terminated Hunt's employment. *Id.*

Hunt, who is a 49-year-old black female with rheumatoid arthritis, alleges that white employees and male employees had had explosive arguments with managers and supervisors, and their employment was not terminated. *Id.* She thus asserts that the real reason for Christus Health's termination of her employment was her race, gender, age, or disability. *Id.* Hunt also asserts that she was terminated right before her five-year anniversary with the company, which is when employees are vested in the company retirement plan. *Id.* Hunt alleges that Christus Health's termination of her employment at this point was an intentional effort to interfere with Hunt's rights to the pension benefits under the CHRISTUS Health Cash Balance Plan (the "Plan"), in violation of section 510 of ERISA. *Id.*; Dkt. 18.

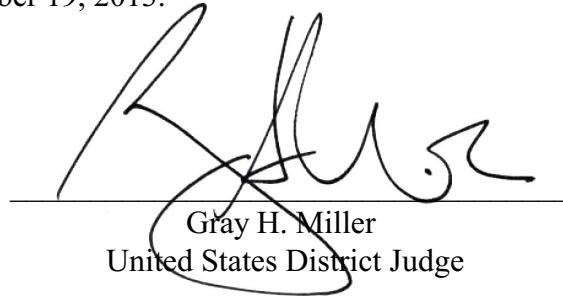
Christus Health moves for summary judgment on Hunt's ERISA claim. Dkt. 18. Christus Health asserts that the Plan is a "church plan" and that under section 33(3) of ERISA, church plans are not subject to ERISA. *Id.* Under 29 U.S.C. § 1002(33)(A), a "church plan" is "a plan established and maintained . . . for its employees (or their beneficiaries) by a church or by a convention or association of churches which is exempt from tax under section 501 of Title 26." 29 U.S.C. § 1002(33)(A). Under 29 U.S.C. § 1003(b)(2), the provisions of ERISA do not apply to church plans. *Id.* § 1003(b)(2). Christus Health presents evidence with its motion for partial summary judgment that the Plan is a church plan. *See* Dkt. 18, Exs. (Margetts Declaration and the exhibits attached thereto). Hunt has not raised an issue of material fact showing otherwise. *See Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587, 106 S. Ct. 1348 (1986) (To prevent

summary judgment, “the non-moving party must come forward with ‘specific facts showing that there is a genuine issue for trial.’” (quoting Fed. R. Civ. P. 56)). Accordingly, Christus Health’s motion for partial summary judgment (Dkt. 18) is GRANTED.

II. CONCLUSION

Christus Health’s motion for partial summary judgment (Dkt. 18) is GRANTED. Hunt’s ERISA claim is hereby DISMISSED WITH PREJUDICE.

Signed at Houston, Texas on December 19, 2013.



Gray H. Miller
United States District Judge

A handwritten signature of "Gray H. Miller" is written over a horizontal line. Below the signature, the name "Gray H. Miller" is typed in a smaller font, followed by "United States District Judge".